

REMARKS

This is in response to the Office Action dated June 8, 2005. Claims 1-9 are pending in the instant application.

Claim 1 stands rejected under 35 U.S.C. Section 102(e) as being allegedly anticipated by Ohnuma or Tounai. These Section 102(e) rejections are respectfully traversed for at least the following reasons.

Claim 1 requires as a fourth step, *detecting defects on the photomask by comparing the reference data with the sensor data, by excluding non-testing regions on the photomask indicated by the first non-testing region data and comparing the reference data with the sensor data*. In particular, see the last paragraph of claim 1. Each of Ohnuma and Tounai fails to disclose or suggest this requirement of claim 1.

In particular, both Ohnuma and Tounai fail to disclose or suggest detecting defects on the photomask by comparing the reference data with the sensor data, by excluding non-testing regions on the photomask indicated by the first non-testing region data and comparing the reference data with the sensor data, as required by claim 1. The two cited references are unrelated to claim 1 in this respect.

Claim 4 requires “*at said fourth step, said non-testing regions on said photomask, indicated by said non-testing region data, are excluded and said reference data is compared with said sensor data.*” Again, both Ohnuma and Tounai fail to disclose or suggest this requirement of claim 4.

Claim 6 requires “said fourth step further comprises: a step of excluding said non-testing regions on said photomask indicated by said first non-testing region data and comparing said

reference data with said sensor data.” Again, both Ohnuma and Tounai fail to disclose or suggest this requirement of claim 6.

Claim 7 requires “at said fourth step, said non-testing regions on said photomask, indicated by said non-testing region data, are excluded and said reference data is compared with said sensor data.” Again, both Ohnuma and Tounai fail to disclose or suggest this requirement of claim 7.

Claim 8 requires “*said fourth step further comprises a step of excluding said non-testing regions on said photomask indicated by said first non-testing region data and comparing said reference data with said sensor data.*” Again, both Ohnuma and Tounai fail to disclose or suggest this requirement of claim 8.

Claim 9 requires “*at said fourth step, said non-testing regions on said photomask, indicated by said non-testing region data, are excluded and said reference data is compared with said sensor data.*” Again, both Ohnuma and Tounai fail to disclose or suggest this requirement of claim 9.

It is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

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Respectfully submitted,

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